

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MATTHEW STEPHEN SANTORO,

Claimant,

V.

COUNTY OF COLLIN, TEXAS,
PLANO INDEPENDENT
SCHOOL DISTRICT, BRIAN
BINGGELI, 380th JUDICIAL
DISTRICT, JUDGE BENJAMIN
N. SMITH, COLLIN COUNTY
CONSTABLE'S OFFICE, SHANE
WILLIAMS, COLLIN CENTRAL
APPRAISAL DISTRICT,
EUGENE "BO" DAFFIN,
COLLIN COUNTY
TAX ASSESSOR/COLLECTOR,
KENNETH L. MAUN, COLLIN
COUNTY CCD, NEIL MATKIN,
DAVID McCALL.

Defendants.

**PLANO INDEPENDENT SCHOOL DISTRICT’S, BRIAN BINGGELI’S;
COLLIN COLLEGE’S, NEIL MATKIN’S AND DAVID McCALL’S OBJECTION
TO PLAINTIFF’S JUDICIAL NOTICE OF ADJUDICATIVE FACTS**

Defendants Plano Independent School District, Brian Binggeli, Collin College, Neil Matkin and David McCall file the following objection to Plaintiff's Judicial Notice of Adjudicative Facts [Dkt. 57].

1. Plaintiff's filing is not a pleading, motion or response but, rather, is a "Notice" - - notice of what, these Defendants are unsure. However, to the extent the "Notice" is construed to be some sort of response to Defendants' re-urged motion to dismiss filed November 28, 2018 [Dkt. 48], Defendants ask the Court to strike the "Notice" because it is untimely and filed without leave.

2. However, even if the “Notice” is not stricken, it should nevertheless still be ignored because it does nothing to address the variety of reasons for dismissal of this suit that are set forth in all the defendants’ motions to dismiss, including these Defendants’ motion to dismiss [Dkt. 48].

3. Further, for all the reasons stated in the Judicial Defendants’ Objection to “Plaintiff’s Notice of Adjudicative Facts” [Dkt. 58], which is incorporated and adopted herein, the international treaty which is the subject of Plaintiff’s “Notice” is not enforceable by the federal courts and, therefore, adds no value to the (lack of) merit of Plaintiff’s lawsuit.

4. For these reasons, the Court should strike and/or ignore Plaintiff’s “Notice” [Dkt. 57] and dismiss this lawsuit for all of the reasons stated in these Defendants’ motion to dismiss [Dkt. 48], which motion is unopposed in light of the absence of a timely response. See Local Rule CV-7(d).

Respectfully submitted,

**ABERNATHY, ROEDER, BOYD
& HULLETT, P.C.**

/s/ Charles J. Crawford

Charles J. Crawford

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**Attorneys for Plano ISD, Brian Binggeli,
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CERTIFICATE OF SERVICE

I certify that on December 21, 2018, a true and correct copy of foregoing was served on all counsel through the Court's ECF system and Plaintiff, pro se, by certified mail no. 9414 7266 9904 2969 7786 81 at 441 Shiloh Drive, Lucas, Texas 75002.

/s/Charles J. Crawford

Charles J. Crawford